

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Glass Dimensions, Inc. on behalf of the)
Glass Dimensions, Inc. Profit Sharing)
Plan and Trust, *and all others*)
similarly situated,)

Plaintiffs,)

v.)

State Street Corporation, State Street)
Bank and Trust Co.,)
and State Street Global Advisors,)

Defendants.)

CIVIL ACTION NO: 1:10-CV-10588 (JLT)

**RULE 56.1 STATEMENT IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT WITH RESPECT TO
COLLECTIVE TRUST FUNDS PLAINTIFF DID NOT PURCHASE**

Jeffrey B. Rudman (BBO #433380)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

Lori A. Martin (*pro hac vice*)
Brad E. Konstandt (*pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
399 Park Avenue
New York, NY 10022
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

*Counsel for Defendants State Street
Corporation and State Street Bank & Trust
Company (including its division State Street
Global Advisors)*

Defendants State Street Corporation (“SSC”) and State Street Bank and Trust Company (“SSBT”) (together with its division State Street Global Advisors (“SSgA”)) (“Defendants”), respectfully submit the following Statement of Undisputed Material Facts pursuant to Local Rule 56.1 (“Rule 56.1 Statement”). These facts are undisputed and demonstrate that Defendants are entitled to summary judgment with respect to collective trust funds that Plaintiff did not purchase.

The Glass Dimensions Plan’s Investments

1. Plaintiff Glass Dimensions, Inc. is the administrator of the Glass Dimensions, Inc. Profit Sharing Plan and Trust (“Glass Dimensions Plan” or “Plan”), an ERISA^{1/} defined contribution plan. First Amended Class Action Complaint, dated August 3, 2010 (“Compl.”) ¶ 13; Defendants’ Answer and Affirmative Defenses to Plaintiff’s First Amended Class Action Complaint, dated September 14, 2010 (“Answer”) ¶ 13.

2. The Glass Dimensions Plan invested in three State Street collective investment funds that engage in a practice known as securities lending (also known as “lending funds”). These funds are the Active U.S. Small Cap Securities Lending Fund, the Daily International Alpha Securities Lending Fund, and the Passive Bond Market Index Securities Lending Fund. Compl. ¶ 13; Answer ¶ 13; Declaration of Michael J. Hebert in Support of Defendants’ Motion for Summary Judgment, dated June 15, 2011 (“Hebert Decl.”), ¶ 13.

3. Plaintiff did not invest in any other lending fund offered by State Street during the proposed class period. Compl. ¶ 13; Answer ¶¶ 13, 41; Hebert Decl. ¶ 14.

^{1/} Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* (“ERISA”).

4. Plaintiff did not pay any compensation to State Street for the securities lending services that State Street provided to lending funds in which the Plan did not invest. Hebert Decl. ¶ 15.

5. Plaintiff purports to bring this action on behalf of a class of ERISA plans that invested in any State Street lending fund between April 9, 2004 and the date Plaintiff filed this action on April 8, 2010. Compl. ¶ 41; Answer ¶¶ 40-41.

6. Plaintiff has named three defendants in this lawsuit: State Street Corporation, State Street Bank & Trust Company, and State Street Global Advisors, a division of State Street Bank and Trust Company. Compl. ¶¶ 14-16; Answer ¶¶ 14-16.

7. SSBT is a Massachusetts trust company. Compl. ¶ 14; Answer ¶ 14.

8. SSBT manages a securities lending program for State Street clients, including for the three lending funds that the Glass Dimensions Plan offered to its participants. SSgA Securities Lending Program Disclosure, dated June 2010, attached as Exhibit A to the Declaration of Lori A. Martin in Support of Defendants' Motion for Summary Judgment, dated June 17, 2011 ("Martin Decl.").^{2/}

9. SSC is a holding company and the corporate parent of SSBT. It is not alleged to have engaged in any conduct at issue in this case, or to owe any fiduciary obligations to the Glass Dimensions Plan. Compl. ¶ 15; Answer ¶ 15.

^{2/} Evidence cited in support of this Rule 56.1 Statement is attached as exhibits to the Martin and Hebert Declarations. The exhibit for each citation will be identified herein in parentheses following the citation, in the following format: "[EVIDENTIARY CITE] (Martin Decl. Ex. __)."

The SSBT Securities Lending Program

10. SSBT provides securities lending services for investors that seek incremental returns on their investments. SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

11. Lending program participants appoint SSBT to lend their securities to third party borrowers. SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

12. These borrowers post collateral to secure the return of securities on loan (generally 102% or 105% of the market value of the securities loaned). SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

13. State Street invests the collateral in collateral reinvestment funds, also known as collateral pools. SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

14. The actual percentage of a lending customer's securities that are out on loan fluctuates on a daily basis, and varies across asset classes depending on borrowers' demand for particular securities. SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

15. Program participants compensate SSBT for acting as lending agent by allowing SSBT to retain a portion of the income generated by the collateral pools. SSgA Securities Lending Program Disclosure, dated June 2010 (Martin Decl. Ex. A) at 1.

The SSgA Lending Funds Offered to Tax Exempt Retirement Plans

16. During the period covered by this action, State Street offered to tax exempt retirement plans at least 260 unique funds that participated in the SSBT lending program. Hebert

Decl. ¶ 3; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During the Period 2004 through 2010 (Hebert Decl. Ex. A).

17. The lending funds paid State Street no more than fifty percent of the net income generated on their collateral as compensation for securities lending services. *See* Compl. ¶ 28; Answer ¶¶ 7-8, 28, 30; Amended and Restated Fund Declaration for the SSgA U.S. Active Small Cap Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. B); Amended and Restated Fund Declaration for the SSgA International Alpha Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. D); Amended and Restated Fund Declaration for the SSgA U.S. Aggregate Bond Index Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. F).

18. In 2010, State Street offered at least 156 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 4; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2010 (Hebert Decl. Ex. B).

19. In 2009, State Street offered at least 193 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 5; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2009 (Hebert Decl. Ex. C).

20. In 2008, State Street offered at least 214 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 6; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2008 (Hebert Decl. Ex. D).

21. In 2007, State Street offered at least 213 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 7; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2007 (Hebert Decl. Ex. E).

22. In 2006, State Street offered at least 183 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 8; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2006 (Hebert Decl. Ex. F).

23. In 2005, State Street offered at least 181 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 9; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2005 (Hebert Decl. Ex. G).

24. In 2004, State Street offered at least 155 unique lending funds to tax exempt retirement plans. Hebert Decl. ¶ 10; List of SSgA Lending Funds Offered to Tax Exempt Retirement Plans During 2004 (Hebert Decl. Ex. H).

25. The number of lending funds offered by State Street varied from year to year because State Street continuously reassessed its fund lineup, introducing new funds to its clients and also removing funds from distribution. Hebert Decl. ¶ 11; Hebert Decl. Exs. B through H.

26. Due to changes in the funds offered to investors, the total number of unique lending funds offered exceeds the number of unique lending funds offered annually. Hebert Decl. ¶ 12; Hebert Decl. Exs. A through H.

The Structure of the SSgA Lending Funds

27. Each lending fund is a separate legal entity and governed by a unique fund declaration. Hebert Decl. ¶ 16; Amended and Restated Fund Declaration for the SSgA U.S. Active Small Cap Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. B); Amended and Restated Fund Declaration for the SSgA International Alpha Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. D); Amended and Restated Fund Declaration for the SSgA U.S. Aggregate Bond Index Securities Lending Fund, dated January 1, 2010 (Martin

Decl. Ex. F); State Street Bank and Trust Company Investment Funds for Tax Exempt Retirement Plans, Fourth Amended and Restated Declaration of Trust (Martin Decl. Ex. L) at 5.

28. Each lending fund is separately held, managed, administered and distributed. State Street Bank and Trust Company Investment Funds for Tax Exempt Retirement Plans, Fourth Amended and Restated Declaration of Trust (Martin Decl. Ex. L) at 5; *see* Hebert Decl. ¶ 18.

29. Obligations of one lending fund do not run to other lending funds. State Street Bank and Trust Company Investment Funds for Tax Exempt Retirement Plans, Fourth Amended and Restated Declaration of Trust (Martin Decl. Ex. L) at 5; *see* Hebert Decl. ¶ 19.

30. The governing declaration of trust provides that “[e]very note, bond, contract, instrument, certificate, or undertaking and every other act or thing whatsoever executed or done by or on behalf of any Fund shall be conclusively deemed to have been executed or done only by or for such Fund.” State Street Bank and Trust Company Investment Funds for Tax Exempt Retirement Plans, Fourth Amended and Restated Declaration of Trust (Martin Decl. Ex. L) at 5; *see* Hebert Decl. ¶ 20.

31. Persons extending credit to a lending fund may look only to the assets of that lending fund for payment. State Street Bank and Trust Company Investment Funds for Tax Exempt Retirement Plans, Fourth Amended and Restated Declaration of Trust (Martin Decl. Ex. L) at 5; *see* Hebert Decl. ¶ 21.

32. Department of Labor regulations require each lending fund to file a unique Form 5500 (Annual Return/Report of Employee Benefit Plan). Hebert Decl. ¶ 22; Form 5500 filed by the U.S. Active Small Cap Securities Lending Fund for the period January 1, 2009 through

December 31, 2009 (Martin Decl. Ex. M);^{3/} Form 5500 filed by the International Alpha Securities Lending Fund for the period January 1, 2009 through December 31, 2009 (Martin Decl. Ex. N); and Form 5500 filed by the U.S. Aggregate Bond Index Securities Lending Fund for the period January 1, 2009 through December 31, 2009 (Martin Decl. Ex. O).

33. The Form 5500 includes information regarding the fund, its participants, its assets and liabilities, and its income and expenses. Hebert Decl. ¶ 23; Form 5500 filed by the U.S. Active Small Cap Securities Lending Fund for the period January 1, 2009 through December 31, 2009 (Martin Decl. Ex. M); Form 5500 filed by the International Alpha Securities Lending Fund for the period January 1, 2009 through December 31, 2009 (Martin Decl. Ex. N); and Form 5500 filed by the U.S. Aggregate Bond Index Securities Lending Fund for the period January 1, 2009 through December 31, 2009 (Martin Decl. Ex. O).

34. Each lending fund offers a unique investment strategy. Hebert Decl. ¶ 17.

35. The SSgA U.S. Active Small Cap Securities Lending Fund seeks to provide “a total investment return in excess of the performance of the Russell 2000 Index.” Amended and Restated Fund Declaration for the SSgA U.S. Active Small Cap Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. B).

36. The SSgA U.S. Active Small Cap Securities Lending Fund invests in small cap equity securities that are included in the Russell 2000 Index. U.S. Active Small Cap Strategy Fact Sheet, dated December 31, 2009 (Martin Decl. Ex. C).

37. The SSgA International Alpha Securities Lending Fund seeks to provide “a total investment return in excess of the performance of the MSCI EAFE Index.” Amended and

^{3/} Although the Plan invested in the same three lending funds for the period covered by this action, the names of those funds changed over time. We refer herein to the legal name of the respective fund referenced on the exhibit cited.

Restated Fund Declaration for the SSgA International Alpha Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. D).

38. The SSgA International Alpha Securities Lending Fund invests in international equity securities that are included in the MSCI EAFE Index. International Alpha Strategy Fact Sheet, dated December 31, 2009 (Martin Decl. Ex. E).

39. The SSgA U.S. Aggregate Bond Index Securities Lending Fund seeks “an investment return that approximates as closely as practicable, before expenses, the performance of the Barclays Capital U.S. Aggregate Bond Index.” Amended and Restated Fund Declaration for the SSgA U.S. Aggregate Bond Index Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. F).

40. The SSgA U.S. Aggregate Bond Index Securities Lending Fund invests in investment grade bonds and other debt instruments traded in the United States. U.S. Aggregate Bond Index Strategy Fact Sheet, dated December 31, 2009 (Martin Decl. Ex. G).

41. The SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Securities Lending Fund (“TIPS Fund”), which is not included in the Plan, seeks “an investment return that approximates as closely as practicable, before expenses, the performance of the Barclays Capital U.S. Treasury Inflation Protected Securities (TIPS) Index.” Amended and Restated Fund Declaration for the SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. H).

42. The SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Securities Lending Fund invests in the securities comprising the U.S. Treasury Inflation Protected Securities (TIPS) Index. SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Strategy Fact Sheet, dated December 31, 2009 (Martin Decl. Ex. I).

43. The SSgA S&P 500 Flagship Securities Lending Fund, which is not included in the Plan, seeks “an investment return that approximates as closely as practicable, before expenses, the performance of the S&P 500.” Amended and Restated Fund Declaration for the SSgA S&P 500 Flagship Securities Lending Fund, dated January 1, 2010 (Martin Decl. Ex. J).

44. The SSgA S&P 500 Flagship Securities Lending Fund invests in securities comprising the S&P 500 Index. SSgA S&P 500 Index Strategy Fact Sheet, dated December 31, 2009 (Martin Decl. Ex. K).

The Percentage of Securities on Loan Varies By Lending Fund

45. The demand for securities by those who borrow from the lending funds varies across asset classes. For this reason, the percentage of securities on loan, and actual securities on loan, varies among the lending funds. Hebert Decl. ¶ 24.

46. In 2009, the percentage of securities on loan for the three lending funds in the Glass Dimensions Plan averaged 34% for the Active U.S. Small Cap fund, 13% for the Daily International Alpha fund, and 44% for the Passive Bond Market Index fund. Hebert Decl. ¶¶ 25-27.

47. The TIPS Fund had on average 92% of its securities on loan in 2009. Hebert Decl. ¶ 28.

48. The SSgA S&P 500 Flagship Securities Lending Fund had on average 12% of its securities on loan in 2009. Hebert Decl. ¶ 29.

49. For the period 2005 through 2010, the percentage of securities on loan for the three lending funds in the Glass Dimensions Plan averaged 50% for the Active U.S. Small Cap fund, 14% for the Daily International Alpha fund, and 37% for the Passive Bond Market Index fund. Hebert Decl. ¶¶ 30-32.

50. The TIPS Fund had on average 95% of its assets on loan during the period 2005 through 2010. Hebert Decl. ¶ 33.

51. The SSgA S&P 500 Flagship Securities Lending Fund had on average 6% of its securities on loan during the period 2005 through 2010. Hebert Decl. ¶ 34.

52. Because the percentage of securities on loan, and actual securities on loan, varies across the lending funds, the extent of the services that State Street provides to each lending fund varies. Hebert Decl. ¶ 35.

53. The return to investors also varies by lending fund. Hebert Decl. ¶ 36.

Each Lending Fund Issues Separate Audited Financial Statements

54. Each lending fund issues separate audited financial statements. Hebert Decl. ¶ 37; State Street Bank and Trust Company Active U.S. Small Cap Securities Lending Fund Financial Statements, dated December 31, 2004 (Martin Decl. Ex. P); State Street Bank and Trust Company Active U.S. Small Cap Securities Lending Fund Financial Statements, dated December 31, 2005 (Martin Decl. Ex. Q); State Street Bank and Trust Company Active U.S. Small Cap Securities Lending Fund Financial Statements, dated December 31, 2006 (Martin Decl. Ex. R); State Street Bank and Trust Company Active U.S. Small Cap Securities Lending Fund Financial Statements, dated December 31, 2007 (Martin Decl. Ex. S); State Street Bank and Trust Company Active U.S. Small Cap Securities Lending Fund Financial Statements, dated December 31, 2008 (Martin Decl. Ex. T); State Street Bank and Trust Company SSgA U.S. Active Small Cap Securities Lending Fund Financial Statements, dated December 31, 2009 (Martin Decl. Ex. U); State Street Bank and Trust Company Daily International Alpha Securities Lending Fund Financial Statements, dated December 31, 2004 (Martin Decl. Ex. V); State Street Bank and Trust Company Daily International Alpha Securities Lending Fund Financial

Statements, dated December 31, 2005 (Martin Decl. Ex. W); State Street Bank and Trust Company Daily International Alpha Securities Lending Fund Financial Statements, dated December 31, 2006 (Martin Decl. Ex. X); State Street Bank and Trust Company Daily International Alpha Securities Lending Fund Financial Statements, dated December 31, 2007 (Martin Decl. Ex. Y); State Street Bank and Trust Company Daily International Alpha Securities Lending Fund Financial Statements, dated December 31, 2008 (Martin Decl. Ex. Z); State Street Bank and Trust Company SSgA International Alpha Securities Lending Fund and SSgA International Alpha Non-Lending Fund Combined Financial Statements, dated December 31, 2009 (Martin Decl. Ex. AA); State Street Bank and Trust Company Passive Bond Market Index Securities Lending Fund Financial Statements, dated December 31, 2004 (Martin Decl. Ex. BB); State Street Bank and Trust Company Passive Bond Market Index Securities Lending Fund Financial Statements, dated December 31, 2005 (Martin Decl. Ex. CC); State Street Bank and Trust Company Passive Bond Market Index Securities Lending Fund Financial Statements, dated December 31, 2006 (Martin Decl. Ex. DD); State Street Bank and Trust Company Passive Bond Market Index Securities Lending Fund Financial Statements, dated December 31, 2007 (Martin Decl. Ex. EE); State Street Bank and Trust Company Passive Bond Market Index Securities Lending Fund Financial Statements, dated December 31, 2008 (Martin Decl. Ex. FF); State Street Bank and Trust Company SSgA U.S. Aggregate Bond Index Securities Lending Fund Financial Statements, dated December 31, 2009 (Martin Decl. Ex. GG); State Street Bank and Trust Company Treasury Inflation Protected Securities Index Securities Lending Fund and Treasury Inflation Protected Securities Index Fund Combined Financial Statements, dated December 31, 2004 (Martin Decl. Ex. HH); State Street Bank and Trust Company Treasury Inflation Protected Securities Index Securities Lending Fund and Treasury Inflation Protected

Securities Index Non-Lending Fund Combined Financial Statements, dated December 31, 2005 (Martin Decl. Ex. II); State Street Bank and Trust Company Treasury Inflation Protected Securities Index Securities Lending Fund and Treasury Inflation Protected Securities Index Non-Lending Fund Combined Financial Statements, dated December 31, 2006 (Martin Decl. Ex. JJ); State Street Bank and Trust Company Treasury Inflation Protected Securities Index Securities Lending Fund and Treasury Inflation Protected Securities Index Non-Lending Fund Combined Financial Statements, dated December 31, 2007 (Martin Decl. Ex. KK); State Street Bank and Trust Company Treasury Inflation Protected Securities Index Securities Lending Fund and Treasury Inflation Protected Securities Index Non-Lending Fund Combined Financial Statements, dated December 31, 2008 (Martin Decl. Ex. LL); State Street Bank and Trust Company SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Securities Lending Fund and SSgA U.S. Treasury Inflation Protected Securities (TIPS) Index Non-Lending Fund Combined Financial Statements, dated December 31, 2009 (Martin Decl. Ex. MM); State Street Bank and Trust Company S&P 500 Flagship Fund and S&P 500 Flagship Non-Lending Fund Combined Financial Statements, dated December 31, 2004 (Martin Decl. Ex. NN); State Street Bank and Trust Company S&P 500 Flagship Securities Lending Fund and S&P 500 Flagship Non-Lending Fund Combined Financial Statements, dated December 31, 2005 (Martin Decl. Ex. OO); State Street Bank and Trust Company S&P 500 Flagship Securities Lending Fund and S&P 500 Flagship Non-Lending Fund Combined Financial Statements, dated December 31, 2006 (Martin Decl. Ex. PP); State Street Bank and Trust Company S&P 500 Flagship Securities Lending Fund and S&P 500 Flagship Non-Lending Fund Combined Financial Statements, dated December 31, 2007 (Martin Decl. Ex. QQ); State Street Bank and Trust Company S&P 500 Flagship Securities Lending Fund and S&P 500 Flagship Non-Lending Fund Combined

Financial Statements, dated December 31, 2008 (Martin Decl. Ex. RR); and State Street Bank and Trust Company SSgA S&P 500 Flagship Securities Lending Fund and SSgA S&P 500 Flagship Non-Lending Fund Combined Financial Statements, dated December 31, 2009 (Martin Decl. Ex. SS).

55. The financial statements for the SSgA U.S. Active Small Cap Securities Lending Fund, dated December 31, 2009, list total assets of approximately \$69.6 million, total liabilities of approximately \$20.2 million, and securities lending fee income of approximately \$86,000. State Street Bank and Trust Company SSgA U.S. Active Small Cap Securities Lending Fund Financial Statements, dated December 31, 2009 (Martin Decl. Ex. U) at 2-3.

56. The financial statements for the SSgA U.S. Aggregate Bond Index Securities Lending Fund, dated December 31, 2009, list total assets of approximately \$5.3 billion, total liabilities of \$2,124, and securities lending fee income of approximately \$18.2 million. State Street Bank and Trust Company SSgA U.S. Aggregate Bond Index Securities Lending Fund Financial Statements, dated December 31, 2009 (Martin Decl. Ex. GG) at 2-3.

57. Count I alleges that Defendants breached their duties of prudence and loyalty, in violation of ERISA §404(a), by receiving “unreasonable compensation” for the provision of securities lending services to the lending funds. Compl. ¶¶ 53-60; Answer ¶¶ 53-60.

58. Count II alleges that Defendants engaged in self-dealing transactions. Compl.

¶¶ 61-66; Answer ¶¶ 61-66.

Dated: June 17, 2011

Respectfully submitted,

/s/ Lori A. Martin

Lori A. Martin (*pro hac vice*)

Brad E. Konstandt (*pro hac vice*)

WILMER CUTLER PICKERING

HALE AND DORR LLP

399 Park Avenue

New York, NY 10022

Telephone: (212) 230-8800

Facsimile: (212) 230-8888

lori.martin@wilmerhale.com

Jeffrey B. Rudman (BBO #433380)

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

jeffrey.rudman@wilmerhale.com

*Counsel for Defendants State Street
Corporation and State Street Bank & Trust
Company (including its division State Street
Global Advisors)*

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2011, I caused a copy of this Document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Brad E. Konstandt
Brad E. Konstandt